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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JACKSON & PERKINS WHOLESALE, INC.,)	
Plaintiff,)	Civ. No. 03-3091-CO
)	
v.)	
)	
SMITH ROSE NURSERY, INC.,)	ORDER
et al.,)	
)	
Defendants.)	
_____)	

PANNER, District Judge:

Magistrate Judge John P. Cooney filed Findings and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been timely filed, this court reviews the legal principles de novo. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983). I adopt Judge Cooney's Findings and Recommendation.

CONCLUSION

Magistrate Judge Cooney's Findings and Recommendation (#156)

is adopted. Plaintiff's motion for partial summary judgment (#77) is granted in part and denied in part as stated in the Findings and Recommendation, and defendants' motion for summary judgment (#132) is denied.

IT IS SO ORDERED.

DATED this 24 day of October, 2006.

A handwritten signature in black ink, reading "Owen M. Panner". The signature is written in a cursive, flowing style. The first name "Owen" is written with a large, looped 'O'. The middle initial "M." is written in a smaller, more compact cursive. The last name "Panner" is written with a large, looped 'P' and a trailing flourish.

OWEN M. PANNER
U.S. DISTRICT COURT JUDGE